

THE DAILY BANNER

"IT WAVES FOR ALL"

GREENCASTLE, INDIANA, MONDAY, FEBRUARY 25, 1935.

NO. 112

THE WEATHER

Fair Not Quite So Cold

VOLUME FORTY-THREE

THE ANSWER TO COMPLAINT BY FIREMAN

CITY DENIES VALIDITY OF ORDINANCE UNDER WHICH SUIT WAS BROUGHT

CITY RECORDS ARE CITED

Answer Filed Monday Alleges Firemen Were Never Legally Appointed By Board

Validity of an alleged ordinance of 1906 under which two city firemen, dismissed January 1 by Mayor Charles F. Zeis, filed suit for reinstatement, is questioned in an answer to the suit filed Monday in circuit court by city officials.

Firemen won the first round of their suit for reinstatement recently when Judge C. C. Gillen ruled that their dismissal by Mayor Zeis was illegal provided allegations of their complaint, pertaining to the ordinance, are true.

In filing for reinstatement the former firemen, Bert Howard and Frank Davidson, alleged they were appointed by a Board of Public Safety, provided under the ordinance of 1906, and could not be legally dismissed by the mayor, such dismissal coming within the jurisdiction of the Board of Public Safety.

In the answer filed Monday the city officials allege the ordinance of the common council, said to have been passed on April 24, 1906, is not a valid and subsisting ordinance in that there is no proper and legal record of the minutes of the council showing its enactment.

The defendants allege that inasmuch as there is no record of the enactment of the ordinance the two firemen never were legally appointed thereunder by any Board of Public Safety and this was so there appointment and dismissal comes within the province of the mayor.

Hold Man Giving Putnam Address

SHERIFF RECEIVES LETTER REGARDING ARREST OF ROBERT WHITE

Robert Farlow White, age 22, giving his address as Roachdale R. 2, is being held by Indianapolis police following his arrest and alleged confession that he and a companion stripped an Indianapolis auto of four tires and wheels, according to a letter received by Sheriff John Sutherland Monday from the Indianapolis police department.

With White at the time of his arrest was Adam Reid McClintock, of Indianapolis, according to the letter.

Both men are being held for further investigation to determine if they have been guilty of stripping other automobiles and taking the accessories out of the city.

President Busy On Messages

BUSY AT HYDE PARK HOME ON TWO IMPORTANT NOTES TO CONGRESS

HYDE PARK, N. Y., Feb. 25 (UP)—In the seclusion of his Hudson valley home, President Roosevelt today put the finishing touches to two important messages to Congress—one dealing with American shipping, the other with transportation.

Mr. Roosevelt hoped to complete the shipping message within the next 24 hours. If no interruptions occur, he would have it ready for presentation to Congress by tomorrow or Wednesday at the latest.

While he has given no inkling of his recommendations, it was assumed he would urge a direct subsidy for American shipping to replace the present mail subsidies. In the transportation message, friends were confident he would ask Congress to give the government closer supervision over all forms of land, water and air transportation.

Mr. Roosevelt yesterday enjoyed his first winter weekend at Hyde Park since early 1932. During the afternoon he drove over his estate in a one-horse open sleigh.

The president will remain at Hyde Park until late Wednesday night, returning then to Washington. He will work on administration matters until he returns to the capital.

Heads NRA Inquiry



Lowell Mason

An investigation as to whether the NRA has furthered the interest of large monopolies to the detriment of small business was launched with the appointment of Lowell Mason, above, as counsel for the senate committee headed by Senator William H. King, of Utah.

Hope To Adjourn Assembly Friday

SPECIAL SESSION OF INDIANA LEGISLATURE IN NEAR FUTURE IS CERTAINTY

INDIANAPOLIS, Feb. 25 (UP)—Members of the Indiana legislature today hoped to reach an agreement over whether the regular session shall be continued for its allotted 61 days or adjourned ahead of time.

With a special session certain to be called, many of the legislators believe that the present term should be cut short.

Others pointed to the fact that there still are some 300 bills which require attention and the regular session should be continued on schedule.

Republicans caucused this morning to decide their stand on the question. Gov. Paul V. McNutt said he was anxious to adjourn the session as early as possible to save funds for the special meeting but added that he does not think it will be possible to end the assembly this week end.

Sen. Jacob Weiss, D., Indianapolis, president pro tem of the senate and a administration leader, announced that he would endeavor to force adjournment either Friday night or Saturday of this week.

The regular session has two more weeks remaining with the 61 days expiring March 11.

Should adjournment be taken this week end, only one important piece of legislation will have been passed. That is the \$50,000,000 budget bill which is scheduled for final vote in the senate early this week.

One of the most impressive arguments against early adjournment is that it would forestall enactment of a liquor bill until the special session.

The liquor law is badly needed to replace temporary and unsatisfactory legislation enacted hurriedly in 1933.

The administration's liquor measure has been introduced in the house but so many objections have been made to its provisions that it has become almost hopelessly confused.

But the bill is expected to be amended, drafted into a final form and hurried to passage under the whip crack of administration leaders.

A public hearing will be conducted tonight on another of the most controversial measures, the state NRA bill.

It has passed the house but is being amended drastically in the senate to appease manufacturing and business interests. Unless an agreement can be reached on the proposed it will have to be carried over to the special session.

The special session also is faced with the necessity of enacting the state's social security program.

The legislature has been unable to consider this problem seriously because of the delay in congressional action on the federal program.

QUAKE TAKES TOLL

ATHENS, Feb. 25 (UP)—A destructive earthquake occurred today near Candia, Crete. Eight were reported killed and many injured.

Whole streets of villages near Candia were in ruins and mostly uninhabitable. Considerable damage was done in Candia itself.

The populace took to the open despite the wintry weather.

LEGISLATIVE CRISIS FACES CONGRESSMEN

WORK-RELIEF BILL SENT BACK TO COMMITTEE ON APPROPRIATIONS

TROUBLE BREWS IN SENATE

Administration Leaders Take Action To Check Possible Radical Legislation

WASHINGTON, Feb. 25 (UP)—Congress came to a virtual standstill today as the administration, facing its greatest legislative crisis, applied the brakes in an effort to prevent unruly legislators from getting entirely out of hand.

A policy of deliberate delay was decided upon as New Deal leaders sought to reassure the country against fears that senate and house revolts might lead to uncontrolled, radical legislation.

With its entire recovery program threatened as a result of the senate uprising on the work-relief bill, the administration counted upon a few days delay to help President Roosevelt re-assess his influence.

After a weekend of excited speculation, it was revealed that a sudden shutdown of congressional activity was decreed as a means of preventing the senate, out of hand and disregarding the warnings of its leaders, from embarking on a discussion of inflation in connection with the \$4,880,000,000 relief measure.

The Wheeler and Thomas amendments, both providing for currency expansion, were next in line for debate. Leaders feared that if they were taken up now, business and industry would become uneasy and progress toward improved conditions would be halted.

Because of those considerations, the work-relief bill was sent back to the senate appropriations committee for a fresh start. It will remain there probably all this week, awaiting some administration determination on a "likely course" to save it from the scrap heap.

Administration warnings that new relief funds were vitally necessary have been premature. A new check-up showed \$176,000,000 is available for the Federal emergency relief administration, enough to continue the "dole" until April 1.

The administration, therefore, has more than a month in which to obtain new legislation for carrying on relief work, either through continuation of the "dole" or through the policy of work-relief which Mr. Roosevelt endorsed so enthusiastically in his annual message to Congress.

Congressional leaders, thrown off stride by the adoption of the prevailing wage amendment in the senate, gave out gloomy statements saying the senate action spelled the doom of the work-relief program.

Latin Winners Are Announced

WILMA MOORE, PUTNAMVILLE, AND MARY SENTER, REELSVILLE, VICTORS

Wilma Moore, Putnamville, and Mary Senter, Reelsville, were winners of divisions I and II of the Putnam county Latin contest held Saturday at Putnamville high school under the direction of Mrs. June Newgent, county chairman.

Second place in division I went to Allen Stoner of Roachdale with Gwendolyn Hostetter of the same school placing third.

Irene Nolte of Reelsville placed second in division II of the contest.

Judges of the contest were Latin teachers of the four schools which entered contestants. They were Mrs. Newgent, Francis McClure of Reelsville, Maronna O'Hair of Bainbridge, and Mabel Trotter of Roachdale.

WALKER IN COURT

LONDON, Feb. 25 (UP)—Former Mayor James J. Walker of New York was summoned to Chancery court today regarding two debts which he claimed he did not have the funds to meet.

The debts were one of 489 pounds (\$2,445) for goods supplied by a British firm, and another of 1,000 pounds (\$5,000) previously obtained by the Mayfair Hotel of New York.

He pleaded he was unable to offer a settlement.

BAD WEATHER DUE

INDIANAPOLIS, Ind., Feb. 25 (UP)—A cold wave accompanied by heavy snowfall accured Indiana today, ending unusually mild weather over the week end.

Weather officials predicted that temperatures would fall to 10 or 15 above zero in central portions of the state, zero in the extreme north and 20 above in the south.

Southerly winds which raised temperatures above 50 in many cities over the week end will change to brisk northwest breezes, Arrington said.

He promised that temperatures would start to drop with the shift in winds.

Snow was expected momentarily, increasing in intensity throughout the afternoon and night.

Temperatures were abnormally, increasing in intensity throughout the afternoon and night.

Temperatures were abnormally mild throughout the state this morning with Indianapolis reporting 49, Evansville 50, and Terre Haute 48.

Oxnam Warns Of Radicalism

"TERRIBLE CHALLENGE TO DEMOCRACY" CITED TO N. E. A. DEPARTMENT.

ATLANTIC CITY, N. J., Feb. 25—President G. Bromley Oxnam of DePauw University at Greencastle, Ind., yesterday warned the National Educational Association's department of superintendence against the menace of Communism and Fascism.

He termed each "a terrible challenge to democracy."

At the same time the speaker warned the 5,000 public school leaders who gathered for the opening session of the department's sixty-fifth annual convention against an attack on the schools "by sinister interests who profess to hate Fascism and Communism but whose methods create the conditions that destroy faith in democracy and cause unthinking men to turn to other proposals."

"I refer to the menacing organization of minority groups who mobilize self-interest, create their lobbies, bludgeon representatives through threats of reprisal and thus turn institutions dedicated to the common good into the service of special privilege," he said.

Outlining a program of ethical ideals for the guidance of educators, Dr. Oxnam declared that "personalism, not profit-making, must become the teachers' major objective."

"The President of the United States has established certain policies that call for co-operation in the interests of the public good," he said. "His chief problem lies in the fact that he must turn to men who have been trained to compete for self-interest to carry out their policies."

This was the speaker's only reference to the new deal, which appeared destined to be the principal controversial topic of convention discussion.

Commerce Dinner This Evening

ANNUAL MEETING OF GREENCASTLE BUSINESS MEN SCHEDULED FOR 6:30

The annual meeting of the Greencastle Chamber of Commerce will be held at the Studio Tea Room this evening at half past six o'clock. An interesting program has been arranged by O. W. Hollowell, president, and in addition to the program, directors for the ensuing year will be elected at the business meeting.

DEAN SMITH RE-ELECTED

The Indiana State Interfraternity Council held its annual meeting at Indiana university on Saturday. G. Herbert Smith, dean of freshmen at DePauw university, was re-elected executive secretary of the council.

20 Years Ago IN GREENCASTLE

E. B. Taylor was a visitor in Indianapolis.

James L. Hamilton transacted business in Coatesville.

Judge James P. Hughes went to Danville, in connection with legal matters.

Gordon Prevo spent the day in Terre Haute.

Recent Pictures of Air Suicides



The last portraits of Elizabeth Du Bois (left) and her sister Jane who committed suicide by leaping from a plane flying over Upminster, England. The sisters were born in the United States but lived in Europe for more than ten years, their father Col. Coert du Bois being American consul-general at Naples.

INFANT HARLAN DIES

Private funeral services and burial were held at Brazil Sunday morning for Elwood Hale Harlan, day old son of Mr. and Mrs. Harold Harlan, 510 west Washington street, who died Saturday of inanition. Besides the parents here the child is survived by the grandparents, Mr. and Mrs. Howard Hale, Brazil, and Mr. and Mrs. James Harlan, Greencastle.

Farmer Kidnaped By Texas Killer

SOUTHWESTERN DESPERADO AND COMPANION SOUGHT BY OFFICERS

McKINNEY, Tex., Feb. 25 (UP)—J. C. Loftus, 29-year-old farmer of Weston, was kidnaped with his wife early today by Raymond Hamilton and a companion as they struggled along muddy by-roads seeking escape from the close pursuit of officers. Mrs. Loftus was put out of the Loftus car by the robbers and reported the kidnapping of her husband to officers here.

An appeal was broadcast to officers throughout Texas and Oklahoma to enlist in search for the Loftus car, a black roadster bearing a Texas license.

Mrs. Loftus, hysterical from the experience, said the two blood stained desperadoes jumped on the running board of their car, in the early-morning darkness, pointed their guns at him and forced her husband to take them in. She was left afoot a short distance down the highway.

A few hours earlier, Hamilton and his companion escaped after exchanging gun fire with a posse of officers who surprised them on the highway two miles north of McKinney.

They halted momentarily, apparently to let the driver exchange seats with the second man, then sped down a country road toward Weston, 13 miles north of McKinney. Two miles west of Weston, their car was found abandoned by the officers. It had run out of gasoline.

The machine had been riddled with bullets. Officers said they couldn't understand how a person could have lived and withstood the gunfire poured into the machine by the officers' sub-machine guns, high calibre rifles and smaller arms.

The driver's seat of the abandoned machine was covered with blood, strengthening the belief of officers that either Hamilton, Texas killer facing a death sentence, or his companion was badly wounded.

RECLUSE FOUND DEAD

GOSPORT, Ind., Feb. 25—The body of Harvey Hubble, 75 years old, retired farmer recluse, was discovered in his shack four miles east of Gosport late Saturday by a friend. Deputy Coroner W. T. Vandament said that Hubble evidently died Wednesday night or Thursday morning of illness. Surviving are three sons and a daughter.

TO GIVE RECITAL

The previously announced recital program of Miss Marcia Hamilton will be presented in Music hall this evening at 7:30 o'clock. The public is cordially invited.

NOTES REVEAL GIRLS DIED IN SUICIDE PACT

LETTERS OF TWO AMERICANS READ AT CORONER'S INQUEST IN ENGLAND

DAUGHTERS OF U. S. DIPLOMAT

Betty And Jane Du Bois Leaped From Airplane Following Deaths Of Lovers

ROME, Feb. 25 (UP)—Farewell letters written by two heart broken American girls revealed today the story of their decision to follow their British aviator sweethearts in death by a plunge, hand in hand, from an air liner soaring over the English countryside.

"We would have been married this summer probably," said one letter. "There will never be anyone else for me."

The letters were read at the inquest on the broken bodies of Jane and Elizabeth Du Bois, 20 and 23 years old, daughters of Coert Du Bois, American consul general at Naples.

After their reading, over the protest of Franklin C. Gowen, of the American consulate at London, the jury of eight men under Coroner C. E. Lewis returned a verdict of suicide while of unsound mind.

Du Bois, controlling himself with difficulty, testified how the girls left Naples for London the day after their sweethearts were killed in a flaming crash of a Royal Air Force seaplane over Sicily.

Others told of their arrival at Stapleford airfield and of their leap from the air liner in which they had reserved all the seats from London to Paris at cost of \$135.

But it was left for the letters to tell the story. They were read at the end of the inquest.

Consul Gowen asked Coroner Lewis not to read them.

It is my bounden duty to read them," replied Lewis.

There were two letters, one to Du Bois, the other to the girls' mother, who was unable to attend the inquest. Each girl wrote part of each letter, it was understood.

They were written in the last hours in a room at the Ritz Hotel in Piccadilly, between sobs that could be heard in the corridor.

The letter to the father read: "Dear Coert—

We have never explained things to you as there has been so much doubt.

You have been kind to us, giving us much. Kindly forgive us this, as you must have felt a little of what we did when you heard of the flying boat crashing up."

There the handwriting changed as the other sister began:

Charles was engaged to another girl but he was going to break it off. We would have been married this summer probably. There will never be anyone else for me."

"Forbes was engaged to Miss Kathleen Blakely, a dancing instructor from Bedford."

"We heard of his death in Paris Monday. We came to London next morning and went to the Ritz. We did not want to see anyone."

Comfort Mother with all your strength. Think she will feel it is right as we do. All our love. God bless you.

Betty, Jane."

It had been believed that the girls

(Continued on Page Three)

Today's Weather and Local Temperature

Snow, cold wave tonight, lowest temperature near ten above, ten to twenty above south portion; Tuesday generally fair, not quite so cold; extreme southwest portion in afternoon.	
Minimum	30
6 a. m.	53
7 a. m.	52
8 a. m.	50
9 a. m.	51
10 a. m.	46
11 a. m.	40
12 noon	34
1 p. m.	30

THE NEW THEATRE

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\$10.00 in Cash will be given for the best suggestion for a name for the new theatre on Indiana Street. Fill in Coupon and leave at the Banner office. Winner will be announced at theatre on Wednesday, March 6.

I Suggest Theatre
My Name
Address

BANNER WANT ADS PAY BANNER WANT GET RESULTS

Alabama Judge Blocks TVA, NRA

DECISIONS ON SALE OF ELECTRIC POWER, PRICE FIXING HAMPER NEW DEAL

WASHINGTON, Feb. 25. (UP) — Close to the heart of the solid south in the staunchest stronghold of the Democrats, William Irwin Grubb sits on the bench and does more to hamper and hobble the new deal than all the Republicans in congress.

Today the administration's chief attorneys are searching for a formula under which they can circumvent or overturn the three sledge hammer blows that this 72-year old federal judge has delivered at the foundations of the new deal.

The men who are attempting to save the national recovery administration and the Tennessee Valley authority from Judge Grubb's adverse rulings said they got only cold comfort from an examination of his record. Reversals of his opinions by higher courts are sparse and few.

In about a month the supreme court will hear arguments involving the constitutionality of the NRA. The case involves an Alabama lumber man, one William E. Belcher, who has been accused of violating the two tentacles of the NRA—maximum working hours and minimum wages.

This case comes to the supreme court because Judge Grubb upheld the lumber man's contention that congress had exceeded its powers to regulate interstate commerce and had encroached on state rights when it made the NRA a law.

Should the supreme court uphold Judge Grubb, the NRA either will die or additional legislation will have to be passed to get it within the framework of the constitution. The crisis comes at a time when President Roosevelt is ready to push for a two-year extension of NRA.

But it is Judge Grubb's Tennessee Valley Authority opinion that sends the worst shivers down the spines of administration lawyers, who are not fully recovered from the case of nerves they got when they won a

hair-line 5 to 4 decision when the supreme court passed on the gold cases.

Judge Grubb ruled the TVA had no legal right to compete with private concerns in the sale of electricity. Technically the case involved only one concern—the Alabama Power company—but the force of the decision that was read in Birmingham was felt all the way to the west coast. Unless Judge Grubb is reversed he has written the death warrant to the philosophy of the new deal which dictates that the federal government can and should go into business of selling electricity, leaving private utilities to scramble and protect their investments the best way they can.

The federal government has more than a principle at stake here—it has \$200,000,000 of its own money in the balance. That is an approximation of the investment already made in the Tennessee Valley experiment, the Grand Coulee dam, the Bonneville project and the Casper-Alcove hydro-electric experiment.

For if Judge Grubb's ruling is valid—if the Tennessee Valley can not sell its surplus power, then neither can any of the other costly developments. And unless they are allowed to sell power and get back some of the money spent on construction, they become too heavy a drain on a budget that already is stretched drum-tight.

The government has two recourses against Judge Grubb's decision. It can petition the supreme court to pass immediately on the TVA decision, thereby saving the time it will take to carry the case to the circuit court of appeals in New Orleans. Or it can ask the private power companies—in the name of public interest—to assist in expediting a supreme court ruling.

THIS WEEK'S WEATHER

Rain in south portion, snow or rain in north portion first half of week, again toward end of week. Moderately cold over north portion, most of first half of week, warmer latter half of week.

EARLY GOLD DECISION

LOGANSPORT, Ind., Feb. 25 (UP) —The United States supreme court decision in the "new deal" gold cases occurred with a decision handed down in 1935 by the Indiana supreme court in a similar case originating in Logansport.

The 60-year-old finding was discovered by Walter B. Jenkins, local attorney, in Harrison's report of Indiana supreme court cases.

It was written by Judge James Fraser, Warsaw, on an appeal from the Cass common pleas court. Henderson Brown had sued Edward Welch for payment of a contract in gold. The lower court awarded Brown judgment for the amount specified in the contract but denied him anything additional because payment was not made in gold coin.

The state supreme court affirmed the decision.

The state court decision was based on an act of congress which made treasury notes legal tender in the payment of debts.

Attorneys for Brown argued that since the congressional action did not expressly prohibit dealing in coin, a contract which fixes the measure of damages at the value of a given amount of coin is valid and should be enforced according to its terms.

Pointing out that money was issued merely as a medium of exchange, the state court ruled:

"When treasury notes were made a legal tender in the payment of debts, they were made the equivalent of coin as a means of payment in all but the cases excepted by law. This, and this only, is meant by making them a legal tender."

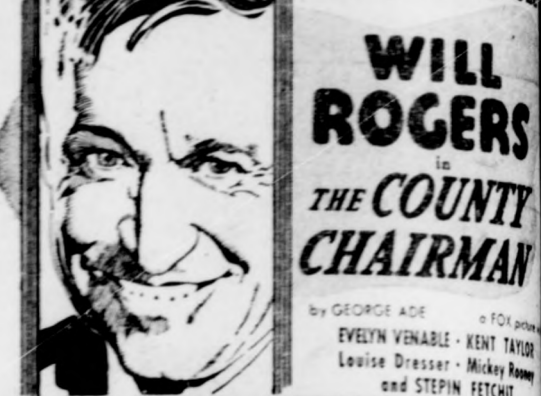
"Thus if not made money, they are by law made its equivalent and may be used instead of it. For that purpose a treasury note of the denomination of one dollar will accomplish all that the gold coin of the same denomination will accomplish, for by law the latter will pay no more than one dollar of indebtedness."

BOMB DOES DAMAGE

SPRINGFIELD, Ill., Feb. 24. — A dynamite bomb blasted a tank car loaded with gasoline from the tracks of the Chicago & Illinois Midland railroad yesterday and turned it into a volcano of flame that spurted over

AT THE VONCASTLE

YOUR FAVORITE STAR IN HIS HAPPIEST ROLE



AT THE GRANADA



eleven other cars of the loaded freight train, destroying them.

Officials took it as a grim answer to the federal and state roundup of suspected bombers of coal trains and the \$200,000 civil suit started last week, accusing members of the Progressive Miners' Union of the reign of violence.

There was one coal car on the mixed freight of thirty-three cars that was wrecked by the dynamites at Andrew Station, eight miles north of Springfield. A Peabody Coal company mine employing United Mine Workers is located at Andrew.

The dynamite explosion, set in the middle of the track, could not have been better timed for destructive

purpose. It burst under a gasoline car of the train and the terrific heat of the spreading fire prevented any attempt to get box cars and the one coal car. The right of way was lost a quarter mile. The fire stubbornly eating through the age twelve hours after the explosion at 2:22 a. m.

The fire fighters, rushing dispatched to the scene on engines, had to confine their efforts to saving a small packing plant cant to the point where the cars rolled to a stop. When the building was shattered.

No one was hurt. Damage to cars, right-of-way and area had not been estimated.

Summoned to Munitions Probe



Eugene G. Grace

Charles M. Schwab

Senate munitions investigators have summoned Charles M. Schwab, right, of the Bethlehem Shipbuilding Co., and Eugene G. Grace, head of Bethlehem Steel, to appear before the committee to answer questions concerning their companies' activities in munitions warship manufacture.

Little Victim of Rare Disease



Though suffering intense pain, ten-year-old Alysce Jane McHenry, Omaha, smiles cheerfully while enroute to Fall River, Mass., where she will undergo an operation. The little girl's stomach is being upside down as the result of diaphragmatic hernia. Residents of Omaha raised funds for the trip and operation following publication of Alysce's picture.